

03-21-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: JUDITH L. ERB, ET AL.

Serial No.: 09/910,628

Group Art Unit: 1641

Filed: July 20, 2001

Examiner: CHIN, Christopher L.

For: METHOD AND APPARATUS FOR MEASUREMENT OF THE EFFECT OF TEST COMPOUNDS ON SIGNAL TRANSDUCTION AT THE LEVEL OF BIOLOGICAL RECEPTORS

Attorney Docket No.: 3060.00021

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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated January 13, 2003, Paper No. 11. Applicant hereby petitions for a two-month extension of time within which to respond to the outstanding Office Action. Granting the petition would extend the time for filing the Response to April 13, 2003. The appropriate petition fee of \$205 is enclosed herewith. Restriction to one of the following Groups was required under 35 USC §121:

- I. Claims 43-45, and 48, drawn to an apparatus classified in class 435, subclass 288.7.
- II. Claim 47, drawn to an apparatus classified in class 422, subclass 82.11.
- III. Claim 46, drawn to a method for screening pharmacological agents, classified in class 435, subclass 7.23.
- IV. Claim 49, drawn to a method for screening pharmacological agents, classified in class 435, subclass 7.23.

Applicants provisionally elect Group I, claims 43-45, and 48 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 46, 47, and 49

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from prosecution, without prejudice, and request reconsideration of the restriction requirement.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All of the groups of claims relate to an apparatus and methods for using the apparatus, and moreover all are classified in the same class, 435. Since there is a great amount of cross-classification amongst the sub-classes in this class, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group I and provisionally withdrawn claims 46, 47, and 49, without prejudice, pending reconsideration of the restriction requirement.

The application is now in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Angel Webb
(Signature of person mailing paper or fee)

Dated: March 20, 2003

Respectfully submitted,

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